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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,249	09/25/2003	Takeshi Kanai	243073US6	3189
22850	7590	08/15/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TERMANINI, SAMIR	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/669,249	<b>Applicant(s)</b> KANAI, TAKESHI	
	<b>Examiner</b> Samir Termanini	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "DEVICE AND METHOD FOR THE MAGNIFICATION OF CONTENT HAVING A PREDETERMINED LAYOUT".

3. The abstract of the disclosure is objected to because of typographical errors: (1) the word "screen" at the end of the first sentence should be plural; (2) the phrase "cannot be change changed" in the second to last sentence appears redundant, or alternatively, grammatically confusing. Correction is required. See MPEP § 608.01(b).

### ***Claim Observations***

4. A claim limitation will be interpreted to invoke 35 U.S.C. 112, sixth paragraph, if it meets the following 3-prong analysis:

- (A) the claim limitations must use the phrase "means for" or "step for;"
- (B) the "means for" or "step for" must be modified by functional language; and
- (C) the phrase "means for" or "step for" must not be modified by sufficient structure, material or acts for achieving the specified function.

5. **Claims 1 and 4-6** are not being treated under 35 U.S.C. 112, sixth paragraph.

Although claims 1, and 4-6, include the phrase "means for" or "step for" they are modified (after each "wherein:" clause) by sufficient structure, material or acts for achieving the specified function.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-6** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to **claims 1-6**, the term "relatively found" is a relative term which renders the claim indefinite. The term "relatively found" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. In each of the nine instances in Applicant's specification, in which the term "relatively found" is used, no information is provided as to the relationship of the position with regard to the *previous block* and *subsequent block* notwithstanding that it is relatively found.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. **Claim 6** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In **claim 6**, a “program” is being recited - and would reasonably be interpreted by one of ordinary skill in the art as functional descriptive material (i.e. software *per se*).

Applicant's specification makes clear that it claim 6 is intended to cover software (e.g. pages: 4, 6, or 42). Accordingly, the subject matter of claim 6 is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Note that: although amending claim 6 to properly recite the required “computer storage medium” would overcome this rejection, such amendment would not distinguish over claim 5.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

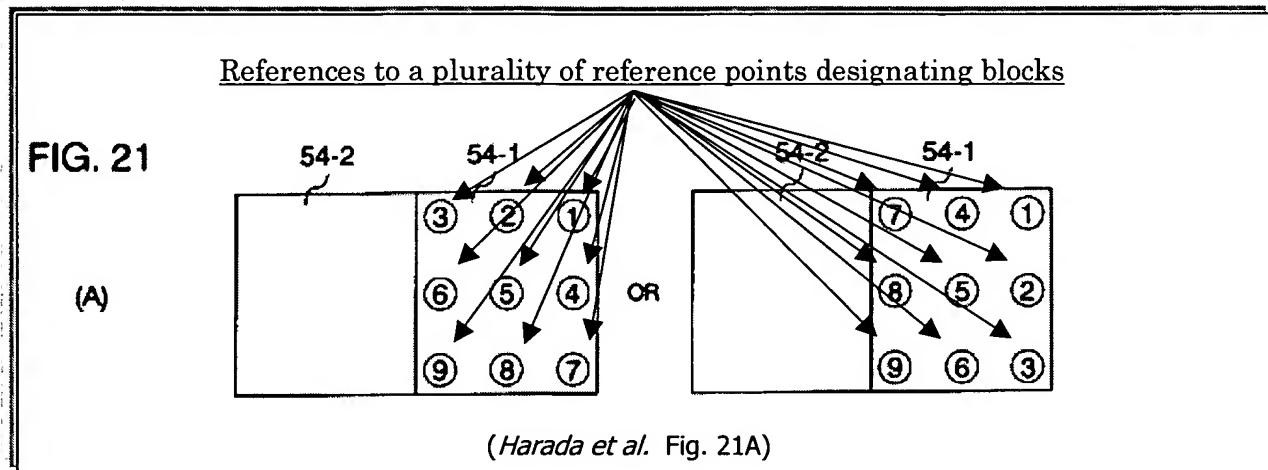
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-6** are rejected under 35 U.S.C. 102(b) as being anticipated by *Harada et al.* (U.S. Pat No. 6,486,890).

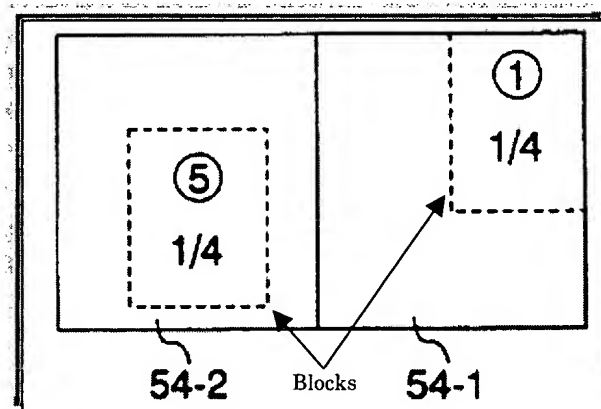
As to independent **claim 1**, *Harada et al.* teach an information processing device (Portable Terminal 1, Fig.1) comprising: storage means (memory circuit 516, col. 13, lines 50-60) for storing content data of predetermined content (predetermined amount of data, col. 13, lines 50-60); and display control means (console unit 519, LCD's 54, and VRAM, col. 13, lines 55-65) for controlling display of the predetermined content (“...information of a predetermined format...” col. 6, lines 28-29; *see also* predetermined amount of data, col. 13,

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lines 50-60) based on the stored content data (data read from the record medium, col. 14, line 53), wherein: the predetermined content is divided into a plurality of blocks to be consecutively displayed:



As shown above in Fig. 21, *Harada et al.* show nine blocks or “reference points” on the unmagnified screen (*see also* col. 22, lines 39-40; *see also* col. 13, lines 45-55).



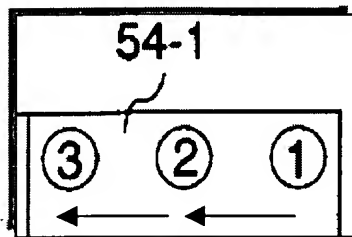
As shown to the left, *Harada et al.* Fig 21(c) explicitly illustrates the divided areas with dashed lines and designates each divided area with “reference points...wherein the nine reference points are arranged at a center of nine divided areas of the respective display

screens to cover an entire area of the respective display screens.” (*See* last three lines of claim 7). *Harada et al.* teach the blocks to be magnified areas (e.g. Fig 21c). Note that *Harada et al.* use the terminology “reference points” or “[other] ‘predefined point’ of the magnified area [to] allow the discrimination of the magnified area.” Col. 22, lines 18-20

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(emphasis added). In addition, the content data includes positional data ("column data," col. 15, lines 26-27) which relates to the blocks and which is for setting a position relatively found from the position of a previous block as the display position of a subsequent block.

For example:



To the left is a cut-away portion of Fig. 21 (from above) showing the blocks in sequence (1, 2, 3...N) relative to a position of a subsequent block (i.e. the one immediately to the right of it).

Moreover, the display control means controls uses the positional data ("column data," col. 15, lines 26-27) to display the predetermined content ("...information of a predetermined format..." col. 6, lines 28-29) sequentially controlling display of one predetermined block (sequentially display; col. 13, lines 7,17,21) in a predetermined position (e.g. nine positions, Fig. 21) in units of the blocks ("blocks," See Fig 21(c) above).

As to independent **claim 4**, *Harada et al.* teach an information processing method comprising (method, col. 1, line 63): a storage control step for controlling storage of content data (memory circuit 516, col. 13, lines 50-60) of predetermined content (predetermined amount of data, col. 13, lines 50-60); and a display control step (console unit 519, LCD's 54, and VRAM, col. 13, lines 55-65) for controlling, based on the content data (data read from the record medium, col. 14, line 53), in which the storage thereof is controlled in said storage control step, display of the predetermined content ("...information of a predetermined format..." col. 6, lines 28-29; *see also* predetermined amount of data, col. 13, lines 50-60), wherein: the predetermined content is divided into a plurality of blocks to be consecutively displayed, ("reference points...wherein the nine reference points are arranged

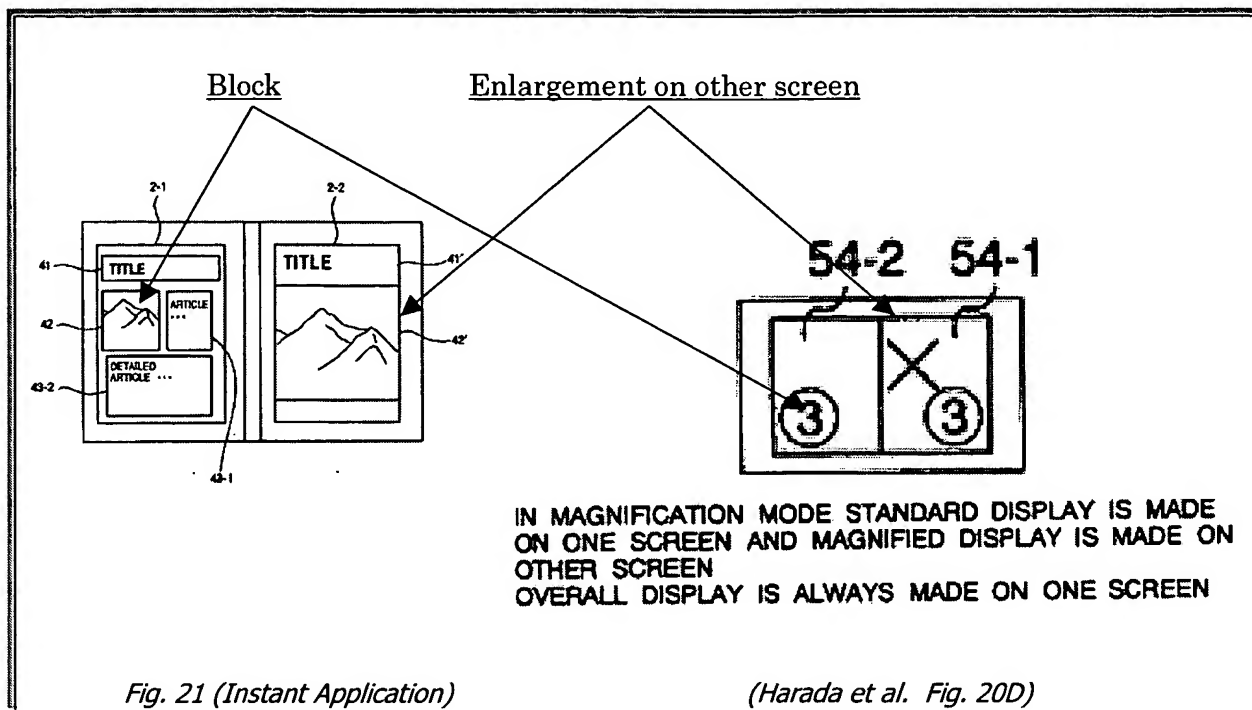
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at a center of nine divided areas of the respective display screens to cover an entire area of the respective display screens.” claim 7) and the content data includes positional data which relates to the blocks and which is for setting a position relatively found from the position of a previous block (e.g. the one immediately to the right of it) as the display position of a subsequent block; (“column data,” col. 15, lines 26-27) and in said display control step, the display of the predetermined content (“...information of a predetermined format...” col. 6, lines 28-29) is controlled by, based on the positional data, sequentially controlling display of one predetermined block (sequentially display; col. 13, lines 7,17,21) in a predetermined position (e.g. nine positions, Fig. 21) in units of the blocks (“blocks,” *See* Fig 21(c) above).

As to independent **claim 5**, this claim only differs from claim 4 in that it is a claim to a product defined by the same process recited in claim 4. Therefore, claim 5 is rejected for the same reasons set forth in above.

As to independent **claim 6**, this claim only differs from claim 4 in that it is a claim to a product defined by the same process recited in claim 4. Therefore, claim 6 is rejected for the same reasons set forth in above.

As to dependent **claim 2**, *Harada et al.* further teach, the limitations of claim 1, wherein the display control means controls two different screens (LCDs 54, col. 14, line 65), and in said display control means, display of the content based on the content data on one screen is controlled (magnification button and cursor button 80A and 80B control one screen, col. 13, lines 56-67) and display on the other screen of content formed by enlarging the predetermined block in the predetermined content is controlled, as shown below.



As compared above, *Harada et al.* teach in Fig. 20D, *inter alia*, the predetermined block for which enlargement is directed.

As to dependent **claim 3**, *Harada et al.* further teach, the limitations of claim 1, wherein, when enlargement is directed for the predetermined block (Fig 20D, above) said display control means extracts pieces of the content data ("...the data on the record medium is read and...decompressed...by the decompressor 513 and it is transferred to the memory circuit 515," col. 18, lines 14-18) which relate to the predetermined block for which the enlargement is directed (display control means is able to direct enlargement, i.e. a VRAM 516 that is divided into two parts corresponding to the two display screens 54-1 and 54-2 of the LCD 54.), and controls content based on the pieces of the content data so as to be displayed at a predetermined magnification (e.g. magnified by a factor of two, col. 13, lines 64-65).

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- [1] *Kuno et al.* (US Pat. No. 5,467,102) for teaching a portable display device capable of presenting simultaneous display of different parts of the document in reasonable sizes on at least two display screens.
- [2] *Reavey et al.* (US Pat. No. 5,847,698) for teaching an electronic book device with means for orientating the material on the electronic display unit responsive to an opening position of the electronic book device.
- [3] *Rohrbaugh et al.* (PGPUB 20020091738 A1) for teaching resolution-independent vector display of internet content to allow it to be scaled (zoomed) larger and smaller for better viewing or to fit any resolution or screen size.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The examiner can normally be reached on 9AM - 4PM, Monday-Friday (alternating Fridays off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samir Termanini  
Patent Examiner  
Art Unit 2179

/ST/

  
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SUPERVISORY PATENT EXAMINER